

376



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

ZESCH et al.

Serial No.: 10/062,154

Filed: January 31, 2002

Atty. File No.: 1109-112

For: "COMPUTERIZED STITCHING
INCLUDING EMBROIDERING"

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

RECEIVED

OCT 17 2003

TECHNOLOGY CENTER 10/30

Dear Sir:

This is in response to the Office Action having a mailing date of September 17, 2003, regarding the above-identified U.S. patent application.

In this communication, the Examiner has found that there are four patentably distinct species. The Examiner requires that one of the four species be elected for prosecution on the merits to which the claims are restricted if no generic claim is finally held to be allowable.

Applicants traverse the Examiner's finding that the species relating to a method and apparatus for controlling stitching of a first stitch using tension data (species 1) and a method for stitching including activating and discontinuing activation of a thread feeder (species 3) be subject to a restriction if no claim is generic. Species 1 is directed to controlling stitching of one or more stitches. (As part of controlling stitching, a thread feeder must be employed and is involved with automatically adjusting the thread feed based on desired tension data.) Accordingly, species 3 found by the Examiner should not be considered a separate species because it is so highly involved with the first species in connection with the use of a thread feeder to control stitching. Insofar as an election must be made electing at least one of these two species for examination, Applicants submit that the species election requirement is erroneous and should be withdrawn.

) Group Art Unit: 3765

) Examiner: Nerbun, Peter P.

RESPONSE TO REQUIREMENT
FOR SPECIES ELECTION

11/4/03
10-20-3

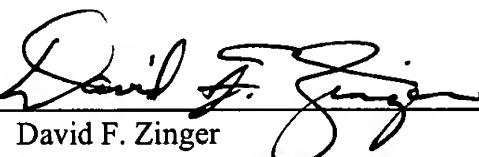
CERTIFICATE OF MAILING
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON 10/18/03
BY: <i>[Signature]</i> SHERIDAN ROSS P.C.

Notwithstanding this traversal, Applicants hereby elect the following species: method and apparatus for controlling stitching of a first stitch using tension data. The claims readable thereon are: 1-20 (inclusive) and 35-53 (inclusive).

In light of this species election, examination on the merits is respectfully requested and allowance of the elected claims is solicited.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 
David F. Zinger
Registration No. 29,127
1560 Broadway, Suite 1200
Denver, CO 80202-5141
(303) 863-9700

Date: October 8, 2003